

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

MARIE SALTS

PETITIONER

v.

No. 1:08CV182-P-D

**CHRISTOPHER EPPS
JIM HOOD**

RESPONDENTS

CONSOLIDATED WITH

MICHAEL SALTS

PETITIONER

v.

No. 1:08CV183-P-D

**CHRISTOPHER EPPS
JIM HOOD**

RESPONDENTS

FINAL JUDGMENT

The court has considered the file and records in this action, including the Report and Recommendation of the United States Magistrate Judge dated June 18, 2009, the petitioners' June 29, 2009, objections to the Report and Recommendation, as well as the respondents' July 24, 2009, objections, and the petitioners' August 5, 2009, rebuttal to the respondents' objections. The respondents have objected to the submission of an affidavit by Steven Farese because it was not in the state court record; however, the respondents have likewise submitted an affidavit from Farese. A question thus exists regarding whether either affidavit is properly before this court. Though the affidavits are mentioned in the Magistrate Judge's Report and Recommendation, the holdings therein do not rely upon either affidavit. The court therefore holds that the Magistrate Judge's Report and Recommendation should be approved and adopted as the opinion of the court.

It is, therefore **ORDERED**:

1. That the Report and Recommendation of the United States Magistrate Judge dated June 18, 2009, is hereby **APPROVED AND ADOPTED** as the opinion of the court;
2. That the instant petition for a writ of *habeas corpus* is **GRANTED** conditionally;
3. That the convictions of Marie Salts and Michael Salts are **VACATED**
4. That the State of Mississippi must commence a new trial of the petitioners within 120 days of the date of this final judgment.
5. That the pending motions for bail and any motion for release on bond or personal recognizance under Rule 23(c) of the Federal Rules of Appellate Procedure are **REFERRED** to the Magistrate Judge.

THIS, the 11th day of March, 2010.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE